REMARKS

Claims 1-37 are all the claims presently pending in the application.

The Examiner on page 4 of paper no. 20091112 (hereinafter, the present office action), alleges that Claims 1-37 stand rejected under 35 U.S.C. § 103(a) as <u>anticipated</u> by Funderburk et al. ("XTABLES: Bridging Relational Technology and XML", hereinafter, *Funderburk et al.*) in view of Loaiza et al. (U.S. Patent 6,618,812, hereinafter, *Loaiza et al. '812*) and in further view of Guzman et al. (U.S. Patent 7,082,435, hereinafter, *Guzman et al. '435*). Respectfully, this rejection is traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to (e.g., claim 1), a method of developing actual resources without alteration into a collection of virtual resources customized to a particular audience. The method includes <u>constructing at least one virtual resource independent of an actual resource,</u> storing the virtual resource in a tangible computer readable media, connecting the actual resource to the at least one virtual resource, retrieving the at least one virtual resource from the tangible computer readable media, and extracting at least one descriptor from said at least one retrieved virtual resource. The <u>virtual resource includes a resource utilized at a logic authoring time and the actual resource includes a resource utilized at a runtime</u>.

Funderburk et al. discloses basically a <u>middleware system</u> called XTABLES that changes the <u>format</u> of relational database information into an XML (Extensible Markup Language) format for use by XML applications that may include retrieving information of the database. "XML (Extensible Markup Language) has emerged as the standard data-exchange <u>format</u> for Internet Applications...One of the features provided by XTABLES is the ability to create <u>XML views</u> of

existing <u>relational data</u>. XTABLES does this by automatically <u>mapping</u> the <u>schema and data</u> of the underlying relational <u>database</u> system to a <u>low-level default XML view</u>." (Abstract and page 616, col. 2, lines 12-16 of *Funderburk et al.*).

Loaiza et al. '812 also teaches of changing a <u>format</u> of a recovery log of a relational database as it states "The data stored in the recovery log is presented as a relational database statements even though the underlying recovery log data may be stored in <u>a non-relational format</u>." (Abstract of *Loaiza et al. '812*).

However, rather than changing the format of the database as seen in *Funderburk et al.* and *Loaiza et al. '812*, the claimed invention, on the other hand, includes constructing a virtual resource that is "<u>independent</u> of an actual resource", and where the "<u>virtual resource</u> comprises a resource utilized at a <u>logic authoring time</u> and said actual resources comprises a resource utilized at a runtime."

II. THE ALLEGED PRIOR ART REJECTION

Combination of *Funderburk et al.*, *Loaiza et al. '812* and *Guzman et al. '435*

The Examiner alleges that *Funderburk et al.* as modified by *Loaiza et al. '812* and further modified by *Guzman et al. '435*, renders obvious the claimed invention. Applicants submit, however, that there are elements of the claimed invention which are neither taught nor suggested by the combination of *Funderburk et al.*, *Loaiza et al. '812* and *Guzman et al. '435*.

The claimed invention includes (e.g., claim 1) *a method of developing actual resources without alteration into a collection of virtual resources customized to a particular audience, said method comprising:*

> *<u>constructing at least one virtual resource independent of an actual resource;</u>*
> *storing the virtual resource in a tangible computer readable media;*

connecting the actual resource to the at least one virtual resource;

retrieving the at least one virtual resource from the tangible computer readable media;

and

extracting at least one descriptor from said at least one retrieved virtual resource,

wherein said virtual resource comprises a resource utilized at a logic authoring time

and said actual resource comprises a resource utilized at a runtime.

The Examiner on page 2 of the present office action, the Examiner disagrees with Applicants argument of the alleged prior arts of record not teaching or suggesting constructing at least one virtual resource independent of an actual resource. The Examiner argues that: "At least Guzman discloses or suggests constructing at least one virtual resource independent of an actual resource (i.e. '...a significant aspect of the invention is that the column signature of the virtual table is not dependent upon the format or column signature of the underlying storage vehicle.' The preceding text clearly suggests constructing at least one virtual resource (i.e. column signature of the virtual table) independent of an actual resource (i.e. column signature of the underlying storage vehicle.).)(column 2, lines 58-67). "

However, Guzman, like Funderburk is dealing with format and signatures. The virtual table is "not dependent" with regard to the formatting or signature, rather than the actual resource.

Guzman like Funderburk is teaching of formating. Funderburk is basically teaching of changing a format of the relational database into XML so that the data from the relational databases that are not in XML format can be used to exchange data for applications such as Internet-based business applications. (See, Abstract and page 619, 2nd column, last paragraph to page 625 of Funderburk.

The claimed invention, on the other hand, has a virtual resource that is not directly mapped from the actual resources as the virtual resource is *independent* from the actual resources. Additionally, the claimed invention does not just change the format to allow for queries or other application use of the database information, but the claimed invention has resources of the virtual resource that are utilized at a *logic authoring* time, where the virtual resource are independent of the actual resource.

Moreover, *Loaiza et al. '812, Loaiza et al. '812* is teaching away from the claim invention because in col. 5, lines 39-41 states, "The user-defined functions dynamically retrieve and populate column values <u>for a virtual table from underlying data sources</u> (i.e., recovery logs)." Therefore, it is clear that *Loaiza et al. '812* is teaching away from the claimed invention, since *Loaiza et al. '812* teaches that the virtual table is from the actual resources of the data sources. Therefore, the virtual table in *Loaiza et al. '812* is <u>dependent</u> on the actual resources. Therefore, the combination of references are improper. Additionally, like *Loaiza et al. '812*, also is teaching of changing the <u>format</u> of the database information and specifically the recovery log information in the database. (See Abstract and claims 1-2 of *Loaiza et al. '812*). All the cited reference have fundamental differences from the claimed invention.

Therefore, the combination is teaching of the lack of dependence of the virtual table and the formatting and not the independence with the actual resource itself.

The Examiner disagrees with Applicant's argument that the alleged prior arts of record do not teach or suggest <u>connecting the actual resource to the at least one virtual resource</u>. The Examiner argues that: "At least Guzman discloses or suggests connecting the actual resource to an at least one virtual resource (i.e. 'At run-time, or whenever the virtual table is to be accessed, the data from the underlying data source(s) is accessed using the appropriate <u>format</u>

or column signature of the virtual table.' The preceding text clearly suggests or discloses

connecting an actual resource (i.e. underlying data source) to the at least one virtual source

(i.e. column signature of the virtual table) at run-time.)(column 2, lines 65-67; column 3, lines

1-6)."

However, the connection is regarding the format and signature with the virtual table.

Guzman, like Funderburk, is dealing in the middleware that accommodates the formatting or

signature differences and not of connecting the actual resource with the virtual resource as

claimed, as a whole, in order to provide a virtual resource independent of the actual resource.

The Examiner does not agree with Applicants argument that the alleged prior arts of

record do not teach or suggest virtual resource comprises a resource utilized at the logic

authoring time. The Examiner argues that "At least Guzman discloses or suggests virtual

resource comprises a resource utilized at the logic authoring time (i.e. at run-time)(column 2,

lines 65-67; column 3, lines 1-6)."

However, the full claim limitation states said *virtual resource comprises a resource*

utilized at a logic authoring time and said actual resource comprises a resource utilized at a

runtime. Guzman only mentions run-time of the virtual table to be accessed. Guzman fails to

teach or suggest the virtual resources utilized at a logic authoring time *and* the actual resource

utilized at runtime. Both limitations are not taught by Guzman or the combination of

references.

The combination of references also fail to teach or suggest (e.g., claim 9) *selectively*

manipulating the retrieved virtual resource by updating or deleting at least a portion of the

retrieved virtual resource; and authoring the virtual resource into a logic code stored and

executable by a computer to generate a second actual resource from the virtual resource.

Regarding claim 9, the Examiner argues on page 14 of the present office action the following: "Guzman teaches... the method further comprising: selectively manipulating the retrieved virtual resource by updating or deleting at least a portion of the retrieved virtual resource (The tables in Guzman utilizes SQl language which includes the option of updating or deleting at least portion of the retrieved virtual resource. Therefore, this limitation is at least suggested by Guzman. In addition, updating and deleting the retrieved virtual resource is an intended use of manipulating the retrieved virtual resource.)"

However, merely using SQ1 language does not teach or suggest of selectively manipulating the retrieved virtual resource as claimed. A suggestion is not merely what is possible, but what is actually taught or suggested. The mere fact that a certain thing <u>may</u> result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). Nothing in Guzman makes such a teaching or suggestion.

The Examiner also argues that Guzman teaches "authoring the virtual resource into a logic code stored and executable by the computer to generate a second actual resource from the virtual resource (see column 10, lines 35-67)."

However, col. 10, lines 35-67 discloses a computer in general with processor and input units. However, there is no teaching or suggestion that a second actual resource is generated from the virtual resource or that there is a teaching of authoring the virtual resource into logic code stored. Merely showing a memory does not teach or suggest the entire limitation of authoring the code as claimed. The claim <u>as a whole</u> must be looked at and not only pieces from each reference. See e.g., MPEP §2141.02.

Therefore, Applicants again submit that there clearly are elements of the claimed

invention that are not taught or suggest by the combination of *Funderburk et al.*, *Loaiza et al.* *'812* and *Guzman et al. '435*, and the Examiner is respectfully requested to reconsider and withdraw this rejection.
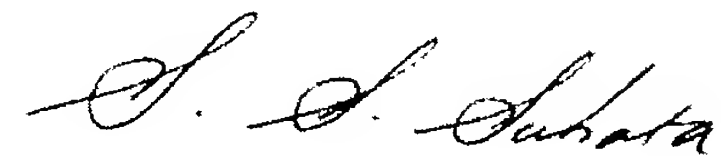
III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-37, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No.   10/665,564
Socket No. YOR920030126US 1   22
YOR.447

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any

overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: <u>January 19, 2010</u>

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